

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

FILED

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REAL ESTATE COMMISSION
BY *[Signature]*

JOSEPH R. DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case No. 2015-919

Petitioner,

vs.

COMPLAINT AND NOTICE OF HEARING

ELANA K. N. WILLIAMS,

Respondent.

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Keith E. Kizer, Deputy Attorney General, hereby notifies RESPONDENT ELANA K. N. WILLIAMS ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633 and/or NRS 645.630 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Division as a Salesperson under license number S.0170937, and as a Property Manager under permit number PM.0165228, and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

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FACTUAL ALLEGATIONS

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2 1. RESPONDENT has been licensed by the Division as a Salesperson, license
3 number S.0170937, since September 16, 2011, and as a Property Manager, permit number
4 PM.0165228, since January 27, 2012, and is in inactive status.

5 2. At all times relevant to the Complaint, RESPONDENT was associated with
6 broker Mark Bowman at O48 Realty of Las Vegas ("O48 Realty").

7 3. From April 5, 2014, until October 13, 2014, RESPONDENT acted as the
8 bookkeeper or in a related position at O48 Realty.

9 4. O48 Realty received rent payments from tenants in the form of cash, check, or
10 money order.

11 5. RESPONDENT directed O48 Realty's receptionist to not fill in the payee line or
12 the property address on any applicable checks and money orders submitted to O48 Realty.

13 6. On or about May 1, 2014, RESPONDENT received but did not deposit a \$1,000
14 money order into O48 Realty's management trust account at Nevada State Bank.

15 7. On or about May 7, 2014, RESPONDENT received but did not deposit a \$700
16 money order into O48 Realty's management trust account at Nevada State Bank.

17 8. On or about May 30, 2014, RESPONDENT received but did not deposit a \$650
18 money order into O48 Realty's management trust account at Nevada State Bank.

19 9. On or about June 2, 2014, RESPONDENT received but did not deposit a \$970
20 money order into O48 Realty's management trust account at Nevada State Bank.

21 10. On or about June 2, 2014, RESPONDENT received but did not deposit a \$1,000
22 money order into O48 Realty's management trust account at Nevada State Bank.

23 11. On or about June 2, 2014, RESPONDENT received but did not deposit a \$650
24 payment into O48 Realty's management trust account at Nevada State Bank.

25 12. On or about June 2, 2014, RESPONDENT received but did not deposit a \$600
26 money order into O48 Realty's management trust account at Nevada State Bank.

27 13. On or about June 2, 2014, RESPONDENT received but did not deposit an \$870
28 money order into O48 Realty's management trust account at Nevada State Bank.

1 14. On or about June 2, 2014, RESPONDENT received but did not deposit a \$750
2 money order into O48 Realty's management trust account at Nevada State Bank.

3 15. On or about June 4, 2014, RESPONDENT received but did not deposit a \$1,695
4 money order into O48 Realty's management trust account at Nevada State Bank.

5 16. On or about June 5, 2014, RESPONDENT received but did not deposit a \$1,795
6 money order into O48 Realty's management trust account at Nevada State Bank.

7 17. On or about June 8, 2014, RESPONDENT received but did not deposit a \$700
8 money order into O48 Realty's management trust account at Nevada State Bank.

9 18. On or about June 12, 2014, RESPONDENT received but did not deposit a \$650
10 in cash into O48 Realty's management trust account at Nevada State Bank.

11 19. On or about June 25, 2014, RESPONDENT received but did not deposit a
12 \$2,150 money order into O48 Realty's management trust account at Nevada State Bank.

13 20. On or about June 27, 2014, RESPONDENT received but did not deposit a
14 \$1,600 money order into O48 Realty's management trust account at Nevada State Bank.

15 21. On or about July 1, 2014, RESPONDENT received but did not deposit a \$1,800
16 money order into O48 Realty's management trust account at Nevada State Bank.

17 22. On or about July 7, 2014, RESPONDENT received but did not deposit a \$700
18 money order into O48 Realty's management trust account at Nevada State Bank.

19 23. On or about July 9, 2014, RESPONDENT received but did not deposit a \$1,200
20 money order into O48 Realty's management trust account at Nevada State Bank.

21 24. On or about July 18, 2014, RESPONDENT received but did not deposit an \$820
22 payment into O48 Realty's management trust account at Nevada State Bank.

23 25. On or about August 1, 2014, RESPONDENT received but did not deposit a \$600
24 money order into O48 Realty's management trust account at Nevada State Bank.

25 26. On or about August 1, 2014, RESPONDENT received but did not deposit a
26 \$1,000 money order into O48 Realty's management trust account at Nevada State Bank.

27 27. On or about August 5, 2014, RESPONDENT received but did not deposit a
28 \$1,795 money order into O48 Realty's management trust account at Nevada State Bank.

1 28. On or about August 5, 2014, RESPONDENT received but did not deposit a
2 \$1,800 check into O48 Realty's management trust account at Nevada State Bank.

3 29. On or about August 6, 2014, RESPONDENT received but did not deposit a \$960
4 payment into O48 Realty's management trust account at Nevada State Bank.

5 30. On or about September 2, 2014, RESPONDENT received but did not deposit a
6 \$2,030 in cash into O48 Realty's management trust account at Nevada State Bank.

7 31. On or about September 5, 2014, RESPONDENT received but did not deposit a
8 \$1,795 money order into O48 Realty's management trust account at Nevada State Bank.

9 32. On or about September 12, 2014, RESPONDENT received but did not deposit a
10 \$1,095 money order into O48 Realty's management trust account at Nevada State Bank.

11 33. On or about October 3, 2014, RESPONDENT received but did not deposit a
12 \$1,795 money order into O48 Realty's management trust account at Nevada State Bank.

13 34. On or about October 7, 2014, RESPONDENT received but did not deposit a
14 \$700 money order into O48 Realty's management trust account at Nevada State Bank.

15 35. On or about December 6, 2014, another O48 Realty employee prepared a bank
16 deposit, and left it in the O48 Realty office so it could be dropped off at the bank on Monday,
17 December 8, 2014.

18 36. On or about December 8, 2014, that employee discovered that a \$1,000 money
19 order and a \$680 money order were missing from the prepared deposit.

20 37. RESPONDENT took those two money orders and gave them to her husband.

21 38. Those money orders were made payable and cashed by RESPONDENT's
22 husband.

23 39. When RESPONDENT was contacted about the missing money orders, she
24 alleged that her husband must have taken them.

25 40. By way of letter dated April 1, 2015, the Division required RESPONDENT to
26 respond to the Division's investigation.

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1 41. RESPONDENT failed to supply a response to the Division's April 1, 2015 letter.

2 42. By way of letter dated May 1, 2015, the Division required RESPONDENT to
3 respond to the Division's investigation.

4 43. RESPONDENT failed to supply a response to the Division's May 1, 2015 letter.

5 **VIOLATIONS**

6 RESPONDENT has committed the following violations of law:

7 44. RESPONDENT violated NRS 645.633(1)(h) or (i), pursuant to NAC 645.605(1),
8 **on twenty-nine occasions** by failing to deposit client money into the Trust Account.

9 45. RESPONDENT violated NRS 645.630(1)(h) **on two occasions** by comingling
10 client money with her own or converting the money of others to her own use.

11 46. RESPONDENT violated NAC 645.605(1) by failing to do her utmost to protect
12 the public against fraud, misrepresentation or unethical practices related to real estate.

13 47. RESPONDENT violated NAC 645.605(11)(a) and (b) **on two occasions** by
14 failing to supply a written response to the Division letters referenced above.

15 **DISCIPLINE AUTHORIZED**

16 48. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to
17 impose an administrative fine of up to \$10,000 per violation against RESPONDENT and
18 further to suspend, revoke or place conditions on the license of RESPONDENT.

19 49. Additionally, under NRS Chapter 622, the Commission is authorized to impose
20 costs of the proceeding upon RESPONDENT, including investigative costs and attorney's
21 fees, if the Commission otherwise imposes discipline on RESPONDENT.

22 50. Therefore, the Division requests that the Commission take such disciplinary
23 action as it deems appropriate under the circumstances.

24 **NOTICE OF HEARING**

25 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider the
26 Administrative Complaint against the above-named Respondent in accordance with Chapters
27 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative
28 Code.

1 **THE HEARING WILL TAKE PLACE** on December 16, 2015 commencing at 9:00
2 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day
3 thereafter commencing at 9:00 a.m. through December 17, 2015, or earlier if the
4 business of the Commission is concluded. The Commission meeting will be held on
5 December 16, 2015, at the Nevada Department of Employment Training and
6 Rehabilitation, 2800 East St. Louis Avenue, Conference Room A-C, Las Vegas, NV
7 89104. The meeting will continue on December 17, 2015, should business not be
8 concluded, starting at 9:00 a.m. at the Henderson City Hall, Council Chambers, 240
9 South Water Street, Henderson, Nevada 89015.

10 **STACKED CALENDAR:** Your hearing is one of several hearings scheduled at the
11 same time as part of a regular meeting of the Commission that is expected to last from
12 December 16 through December 17, 2015, or earlier if the business of the Commission
13 is concluded. Thus, your hearing may be continued until later in the day or from day to
14 day. It is your responsibility to be present when your case is called. If you are not
15 present when your hearing is called, a default may be entered against you and the
16 Commission may decide the case as if all allegations in the complaint were true. If you
17 have any questions please call Rebecca Hardin, Commission Coordinator (702) 486-
18 4074.

19 **YOUR RIGHTS AT THE HEARING:** except as mentioned below, the hearing is an
20 open meeting under Nevada's open meeting law, and may be attended by the public. After
21 the evidence and arguments, the commission may conduct a closed meeting to discuss your
22 alleged misconduct or professional competence. A verbatim record will be made by a certified
23 court reporter. You are entitled to a copy of the transcript of the open and closed portions of
24 the meeting, although you must pay for the transcription.

25 As the Respondent, you are specifically informed that you have the right to appear and
26 be heard in your defense, either personally or through your counsel of choice. At the hearing,
27 the Division has the burden of proving the allegations in the complaint and will call witnesses
28 and present evidence against you. You have the right to respond and to present relevant

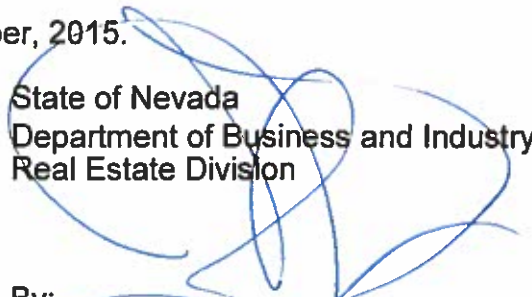
1 evidence and argument on all issues involved. You have the right to call and examine
2 witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant
3 to the issues involved.

4 You have the right to request that the Commission issue subpoenas to compel
5 witnesses to testify and/or evidence to be offered on your behalf. In making the request, you
6 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
7 Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter
8 233B, and NAC 645.810 through 645.875.


9 The purpose of the hearing is to determine if the Respondent has violated NRS 645
10 and/or NAC 645 and if the allegations contained herein are substantially proven by the
11 evidence presented and to further determine what administrative penalty is to be assessed
12 against the Respondent, if any, pursuant to NRS 645.633 and/or NRS 645.630.

13 DATED this 12TH day of November, 2015.

14 State of Nevada
15 Department of Business and Industry
16 Real Estate Division

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